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CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery on its sixteenth session

Chairman-Rapporteur: Mrs. F.Z. Ksentini

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I. ORGANIZATION OF THE SESSION

1. The Economic and Social Council, upon the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member working group to review developments in the field of the slave trade and the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Working Group was established, and since then it has held a session prior to each session of the Sub-Commission. In its resolution 1988/42 of 8 March 1988 the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".

2. At its fortieth session, the Sub-Commission, in its resolution 1988/31, approved the programme of work of the Working Group for the period 1989-1991. This programme of work (contained in chapter VI of the report of the Working Group on its thirteenth session, E/CN.4/Sub.2/1988/32) included three main themes to be discussed in successive years: prevention of the sale of children, of child prostitution and of child pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991).

3. The Working Group held its sixteenth session from 29 July to 2 August and on ... August 1991. The Group held 11 meetings. The session was opened by Chief of the Standards-setting, Research and Studies Section of the United Nations Centre for Human Rights, who made a statement on behalf of the Under-Secretary for Human Rights.

4. In its decision 1990/126, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approved the following composition of the Working Group on Contemporary Forms of Slavery: Mr. I. Diaconu, Ms. F.Z. Ksentini, Ms. C. Palley, Mr W. Sadi and Mr. E. Suescún Monroy.

5. The list of participants appears as annex II of the present report.

Election of the Chairman-Rapporteur

6. At the 1st meeting, on 29 July 1991, Ms. Ksentini was elected Chairman-Rapporteur by acclamation. Ms. Ksentini was delayed and participated from the 3rd meeting. During her absence, Ms. Palley served as Chairman-Rapporteur.

II. ADOPTION OF THE AGENDA

7. At the 1st meeting, the Working Group had before it the provisional agenda for the sixteenth session (E/CN.4/Sub.2/AC.2/1991/1).

8. At the same meeting, Ms. Palley made a proposal to include, under agenda item 4 as a new sub-item a request for an advisory opinion by the International Court of Justice on the validity of the reservations to the Convention on the Elimination of All Forms of Discrimination against Women. She said that the subject fell within the remit of the Working Group as many of the reservations affected family life, and the employment and legal capacity of women. She added that some of the reservations were so extensive that they in effect obviated the need to modify domestic legislation and it was doubtful whether that was in conformity with the aims of the Convention.

9. Mr. Diaconu suggested including under item 4 a new sub-item relating to general consideration of the United Nations conventions on the rights of women and their protection, including the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others.

10. The Working Group adopted, as orally revised, the following agenda:

1. Election of officers.

2. Adoption of the agenda.

3. Review of information received on the status and the implementation of conventions on slavery and slavery-like practices.

4. Main theme of the session: Prevention of traffic in persons and the exploitation of the prostitution of others.

   (a) United Nations conventions on the rights of women and their protection, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

   (b) Proposal for a request for an advisory opinion by the International Court of Justice on the validity of reservations to the Convention on the Elimination of All Forms Discrimination against Women.

5. Review of developments in other fields of contemporary forms of slavery, including:

   (a) Sale of children;

   (b) Slavery and the slave trade;

(c) Child prostitution and child pornography;

(d) Eradication of the exploitation of child labour and of debt bondage;

(e) Slavery-like practices of apartheid and colonialism;

(f) Child soldiers.

6. Follow-up of recommendations adopted at previous sessions.

7. Adoption of the report of the Working Group to the Sub-Commission.

(For the list of documents made available at the meetings of the Working Group, see annex III.)

III. REVIEW OF INFORMATION RECEIVED ON THE STATUS AND THE IMPLEMENTATION OF CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

11. At the 6th meeting of the Working Group, Mr. Diaconu, who had been appointed rapporteur for this issue by the Chairman-Rapporteur, presented an analysis of the information on the status and implementation of the slavery conventions submitted by States at the request of the Secretary-General.

12. Concerning the status of the conventions, as of 1 May 1991, 105 signatory States had ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and 61 signatory States had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The 1956 Supplementary Convention had not been ratified by three signatory States and the 1949 Convention by five signatory States.

13. During the previous five years only 59 submissions of information had been received. Some States had submitted information twice, and in fact only 32 States had submitted such information, a small proportion of the 160 States Members of the United Nations.

14. In order to improve the implementation procedure of the slavery conventions, it was suggested that a broader mandate be given to the bodies entrusted with their implementation. New machinery could be established by a new convention on slavery, by revising the existing conventions, or by adopting an additional protocol to the convention in force.

15. Furthermore, it was considered important that specialized agencies and United Nations bodies, such as ILO, UNESCO, WHO and UNICEF, and the ILO submit regular reports to the Working Group on their activities in that field. It was also stressed that information received from intergovernmental and non-governmental organizations on the implementation of slavery conventions could supplement the replies received from States parties. It was stated that since specialized agencies and non-governmental organizations were not requested to submit information on the implementation of slavery conventions, scope of the appropriate Sub-Commission resolution might be broadened to include addressing requests to them. However, that might lead to duplication of information. Also, it was felt that since neither specialized agencies nor non-governmental organizations could be parties to the conventions, it might be difficult to justify broadening the scope of that resolution.

16. The opinion was expressed that in order to ensure receiving more detailed and better organized replies from States parties on the implementation of slavery conventions, an appropriate questionnaire could be prepared by the Secretary-General and sent to Governments together with requests for information. It was recalled that such a practice had already existed: until 1982, when questionnaires on slavery had regularly been addressed to Governments.

17. Other suggestions as to possible ways and means of strengthening the machinery for implementation of the slavery conventions included the establishment of a post of Special Rapporteur of the Commission on Human

Rights on all matters relating to slavery. It was felt that it would be useful either to have intersessional meetings of the Working Group on Contemporary Forms of Slavery or to convene two sessions of that Group annually. It was also proposed that more than five experts might be appointed members of the Working Group. The Chairman-Rapporteur said that the designation of a member of the Working Group to examine the replies of Governments had been a successful experience which would be worth repeating at future sessions of the Working Group. The Chairman-Rapporteur said that the designation of a member of the Working Group to examine the replies of Governments had been a successful experience which would be worth repeating at future sessions of the Working Group.

IV. PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

A. General

18. The prevention of traffic in persons and the exploitation of the prostitution of others was the main theme discussed at the session. The increased attention accorded to those problems was reflected not only in the amount of information presented to the Working Group but also in the recommendations for future action proposed by the Working Group.

19. The main theme of the session was extensively discussed at the 1st, 2nd, 3rd and 4th meetings. Representatives of the International Abolitionist Federation, the Coalition against the Trafficking in Women, Anti-Slavery International, the International Federation Terre des Hommes, the International Commission of Jurists, as well as the representative of UNESCO and the representative of the Governments of Colombia, India and the Netherlands took the floor.

20. This agenda item, item 4, was supplemented by two sub-items:

(a) The United Nations Conventions on the rights of women and their protection, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

(b) Proposal for a request for an advisory opinion of the International Court of Justice on the validity of reservations to the Convention on the Elimination of All Forms of Discrimination against Women (see paras. 8 and 9 above).

21. The Working Group decided to consider agenda item 5 (c), relating to child prostitution and child pornography, together with item 4.

22. Several non-governmental organizations expressed their concern at the existence of what had been called a pro-prostitution lobby, whose major aim was to pursue the legalization of prostitution. Concern was also expressed for the increasing number of prostitutes, particularly women and children, working in connection with "sex-tourism" enterprises and military bases. The existence of an in-depth linkage between prostitutes and pornography, involving an increasing number of children, was reaffirmed.

23. The non-governmental organizations presented proposals that might contribute to achieving the targets set. Many of them emanated from specific studies or seminars on those contemporary forms of slavery. Those proposals were:

(a) To request the Secretary-General to organize a meeting of experts or to establish an ad hoc committee on contemporary forms of slavery entrusted with the elaboration of an additional protocol to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

(b) To strengthen the provisions of the 1949 Convention in relation to pimping and brothel-keeping;

(c) To develop a monitoring mechanism for the 1949 Convention;

(d) To consider all types of prostitution as a violation of human rights, and thereby to making invalid any distinction between forced and voluntary prostitution;

(e) To appoint a Special Rapporteur of the Commission on Human Rights on the traffic in persons;

(f) To invite Governments to appoint special ombudsmen on prostitution and sexual exploitation;

(g) To invite Governments to give refugee status to victims of international traffic in persons;

(h) To recommend the establishment of an international bureau consisting of independent experts to examine the phenomenon of prostitution;

(i) To request United Nations bodies to undertake measures regarding the problem of prostitution in the same way as for the problems of drug-trafficking and crime-related activities;

(j) To request all the organizations concerned to declare 2 December a day of the abolition of all forms of slavery.

24. The attention of the Working Group was drawn to a meeting of experts co-sponsored by UNESCO and the Coalition against the Trafficking in Women, held at Pensylvania State University in the United States from 8 to 10 April 1991. The aim of that meeting had been to identify international human rights approaches to the exploitation of women in prostitution.

25. The members of the Working Group thanked all the participants for their contributions. The members shared the general opinion that the phenomena of traffic in persons and exploitation of the prostitution of others were closely linked to the problems of social and economic development. Concerted action should be first aimed at the improvement of the conditions of the most vulnerable groups in society, particularly women and children living below the poverty line.

26. After having listened to the various statements and carefully studied all the information available, the members of the Working Group considered it necessary to develop a programme of action for the prevention of the traffic in persons and of the exploitation of the prostitution of others.

B. United Nations Conventions on the rights of women and their protection, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

27. At the 1st meeting, the representative of the International Abolitionist Federation stated that since the World Conference of the International Women's Year, held in Mexico City in 1975 many States Members of the United Nations had created national machinery for the benefit of women and children. But the number of women and children living in sexual slavery and becoming victims of traffic had increased at an alarming rate in the past 15 years. She emphasized that traffic in persons and prostitution, which was a form of sexual slavery, could not be understood in isolation from other criminal and social problems. It was interlinked with illicit drug pushing and trafficking, heavy drinking, battering of women, absolute and relative poverty, broken homes, incest, physical and emotional neglect, cruelty and abuse during childhood and lack of family contact. Government regulation of brothels and legislation of prostitution would help the exploiters of prostitution more than the prostitutes. The regulatory system had not protected prostitutes from sexually transmitted diseases nor had the system provided any extra guarantee of safety for the prostitutes against physical violence and exploitation by their clients, traffickers and pimps. Once prostitution was legalized and accepted as a profession like any other, it would be the final blow to the abolitionist movement, because, in the final analysis, it would mean women's acceptance of man's domination over her body and mind.

28. A representative of the Coalition against the Traffick in Women stated that all instances of prostitution violated women's human rights. The denial of that fact was dangerous for women and antithetical to the spirit and intent of human rights and was the consequence of two different trends: first, the presence of a powerful pro-prostitution lobby, especially in Europe, with vested economic interests in the sex industry, that promoted prostitution as being casual and inconsequential in its effects; and second the distinctions made by human rights advocates and in the 1949 Convention itself between free and forced prostitution, which served to make one form of exploitation more acceptable than the other. The 1979 Convention on the Elimination of All Forms of Discrimination against Women, adopting the language of the 1949 Convention on prostitution, provided no substantial protection against prostitution, which was a severe form of sexual discrimination. As long as prostitution itself was ignored as a violation of the human rights of women, and men could buy sex and women's bodies with impunity, other more degrading inhuman practices would flourish, placing the human rights of women, both prostitutes and non-prostitutes, increasingly at risk.

29. Prostitute women were either treated as criminals or considered "professionals"; and both approaches falsely separated prostitution from the various forms of sexual exploitation of women. Women's rights had already been established universally and the protection of those rights must be extended to all women in prostitution, including the right to a decent standard of living and to work that did not dehumanize, the right to custody

of one's children, the right to protection from sexually transmitted diseases and the right to a private life, as well as freedom from ostracism for being a prostitute.

30. Prostitution could not exist as a right because it usurped and negated women prostitutes' already established right to human dignity, bodily integrity and physical and mental well-being and constituted a severe form of sex discrimination. Prostitution promoted racism and sexism through stereotypes that sexually exploited women. Prostitution violated human rights established inter alia in article 1 and article 5 of the Universal Declaration of Human Rights.

31. At the present time, the 1949 Convention had only limited value in protecting women's human rights because: (a) it promoted decriminalization, which freed the customer to buy sex and thus legitimized prostitution; (b) it ignored the effect of sexual exploitation in prostitution; and (c) it did not take account of the role of prostitution in the overall subordination of women in society. However, because the 1949 Convention prohibited pimping, it should be strengthened, especially in terms of monitoring, with "proxenetism" broadened to include the industries that promoted prostitution.

32. Another member of the Coalition against the Trafficking in Women added that prostitution was an oppressive industry built on the economic and social disparity between men and women. To be a prostitute was to be unconditionally sexually available to any male who bought the right to use a woman's body in whatever manner he chose. Prostitution was the commerce of sexual abuse and inequality, which was inextricably connected to women's social, sexual and economic subordination in male supremacist cultures. A global community that was committed to upholding the freedom and dignity of all of its citizens must condemn the buying and selling of human beings. International policies must be designed that would separate the perpetrators from the victims in that exploitive industry. The 1949 Convention was a start in that process in that it recognized exploitation and abuse by pimps and procurers who benefited economically from trafficking in women.

33. The International Abolitionist Federation referred to the Secretary-General's study on ways and means for establishing an effective mechanism for the implementation of the slavery conventions (E/CN.4/Sub.2/1989/37). The document showed that in contrast with the systems and machinery for the implementation of many human rights conventions, the system of reports established to ensure the implementation of the slavery conventions appeared vague and lacked effective scope as regards compliance with treaty obligations.

34. Moreover the study indicated that although the Working Group was a permament mechanism, its mandate had not been interpreted as meaning that the Group should act as a body exclusively dealing with the implementation of the slavery conventions. If the suggestions made by the Secretary-General in the chapter on strengthening the mandate, role and functioning of the Working Group, and the manifold tasks with which it was entrusted, were examined, it was hard to see how the five experts, who met once a year for a maximum of five days, could devote the necessary time to the effective implementation of

the conventions. If the Sub-Commission considered that the time had come to amend the existing clauses concerning slavery and slavery-like practices by drawing up and adopting new norms, the preparation of an additional protocol could be discussed.

35. Another representative of the International Abolitionist Federation informed the Working Group that a seminar on prostitution was due to take place in Strasbourg from 25 to 27 September, under the auspices of the Council of Europe. The seminar, which was organized by the pro-prostitution, lobby, would contribute towards legalizing not only prostitution, but also procuring.

36. The Federation felt it was important for the Working Group to submit to the United Nations amendments to improve the 1949 Convention. It suggested that a dynamic and aggressive strategy for change should be adopted against slave trafficking; it advocated preventive measures against all factors that promoted the development of prostitution; it also suggested the development of consultation and coordination at all levels. In order to facilitate the identification, seizure and confiscation of the proceeds of trafficking associated with crime, the Convention could provide for the waiver of banking secrecy and efforts to combat the laundering of money earned from crime and the scandal of tax havens.

37. At the 2nd meeting, the representative of UNESCO stated that the aim of the 1949 Convention was to prohibit and control the traffic in women and children by making all pimping and procuring for prostitution illegal. As such, the Convention represented a considerable advance in the recognition of women's human rights. However, the 1949 Convention was directed specifically at prohibiting pimping, procuring, and brothels because they constituted coercion. It therefore implied a distinction between coerced and "voluntary" prostitution and implicitly recognized prostitution to be freely chosen if third party exploitation by pimps was absent. In effect, that implicit distinction reduced the exploitation in prostitution to that which produced economic gain for another. By implicitly identifying some prostitution as "voluntary", i.e. entered into by women of their own free will, abolitionists, in framing that Convention, had set out on a course not only of deregulation but of decriminalization.

38. One intention of the Convention was to remove the criminal legal onus from prostitute women. But it also decriminalized the customer. And because the Convention had already implicitly differentiated between "free" and "forced" prostitution it could not recognize prostitution itself as victimization of women. Decriminalization effectively legitimized prostitution by disregarding its dehumanizing effects on the prostitute woman and leaving the customer to act with impunity. At present the 1949 Convention had only limited value in protecting women's human rights because: (a) it helped legitimize sexual exploitation by the customer, thereby freeing the customer to buy sex and women's bodies; (b) it ignored the effect of the market exchange of women's bodies, and reduced the victimization of women to only the most extreme examples of torture and slavery, obscuring the manner in which prostitution violated human rights; and (c) it ignored the role of prostitution in the overall subordination of women in society. Furthermore,

in recent years UNESCO has taken into consideration elements for a reformulation of the 1949 Convention and elements for a new convention on sexual exploitation.

39. The representative of Anti-Slavery International reported on the situation of prostitutes in India. The circumstances which forced a number of Indian women into prostitution were poverty, illiteracy and natural disasters. For the eradication of prostitution there was a need to implement the prohibitive laws more rigidly, to provide rehabilitation, education and housing facilities to victims, and to create a lobby both in political circles and vis-à-vis the public, including the extensive dissemination of information through the media.

40. She expressed her concern at the phenomenon of forced prostitution in Turkey. Although Turkey had ratified the Convention on the Elimination of All Forms of Discrimination against Women, Decree No. 5/984 entitled "Statutes for the prevention of prostitution and infectious venereal diseases resulting from prostitution" (19 April 1961) would operate in ways which were extremely discriminatory for women. Furthermore, the Decree would openly violate the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, a Convention that Turkey had not ratified.

41. According to information received by Anti-Slavery International, Burmese women, from a variety of ethnic groups, were being kept against their will in Thai brothels. Some were children, as young as 10 years of age. In the southern border town of Ranong an estimated 1,500 Burmese women had been forced into prostitution. There were estimated to be over 100,000 Burmese migrants and refugees living in harsh conditions and working for low wages in Thailand. The saddest group of new refugees in Thailand was the growing number of Burmese women enticed or sold into prostitution across the border. The only realistic escape from the brothels for the women was something that was probably even worse: to contract an infection that permanently disfigured their faces, or to catch AIDS. They were then sent back to Burma straight away.

42. According to the representative of the International Commission of Jurists, in Asia, trafficking in women has taken the following forms: first, organized sex tourism in which clients from industrialized countries travelled to third world countries expressly for the purpose of having sex, and in which the services of a prostitute were included in the price the tourist paid for his ticket; second, commercial marriage arrangements in which the women came from third world countries and their partners from industrialized ones; third, the trafficking of workers and prostitutes from third world countries to industrialized ones. The case of Japan was one among many. Information from Japanese sources showed that government policy placed emphasis on the exposure and forced evacuation of migrant workers, rather than on the punishment of prostitution racketeers. The Government believed that if the immigration law was made more stringent, and if the women were deported quickly, the problem would solve itself. The law was seldom enforced against the slave traders and prostitution racketeers. When a case was brought by the victim before the authorities it was impossible to obtain affidavits or other evidence for indictment because the victims were immediately forced to leave the country as overstayers. International action to deal with trafficking in women had been

sporadic and ineffective. There were no comprehensive studies on the problem of prostitution worldwide. It was now imperative that the problem be treated as a priority issue requiring large-scale effort and expenditure. The Working Group could develop and recommend a comprehensive programme of action on the question of prostitution for implementation by the various agencies and bodies of the United Nations in the fields of education, health, labour, child welfare, tourism, development and crime prevention. Governments could also be requested to report to the Working Group on the specific measures they had taken to prevent sex tourism, to regulate the advertising of sex tours and to encourage victims to report the activities of prostitution racketeers.

43. The representative of Colombia underlined the necessity of covering all aspects of trafficking and, in particular, of considering all the issues concerning the social and the economic order. The promotion of human rights, the concept of human dignity and respect for human beings should be the main elements taken into account in undertaking a process of re-education and restoration of natural relations between women and men. Colombia supported the proposal for a plan of action against the traffic in persons and the exploitation of the prostitution of others.

44. At the 3rd meeting, the representative of the Netherlands stated that her country had not ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, because the convention obliged contracting parties not only to combat trafficking in people by means of the criminal law, but also to combat the exploitation of prostitution by the same means, even in cases where the prostitute consented to the prostitution. Thus, the Convention compelled parties to make all forms of exploitation of prostitution a criminal offence. The policy of the Netherlands with regard to criminal law was not to promote morality - which was evidently the aim of the 1949 Convention - but to protect people who were forced into prostitution against their will. In the Government's view, prostitution based on exploitation of one person by another could be combated more effectively if it was possible for prostitution to exist in a lawful form. That lawful form of prostitution could then be regulated by the State with the aim of protecting the health and safety of prostitutes. In that way, both administrative action and criminal proceedings could be used to prevent coercion and exploitation in connection with prostitution.

45. Trafficking in women was regarded as a form of enforced prostitution. Voluntary prostitution called for government action with regard to such aspects as working conditions, health care, social security and taxation. The Government remained responsible for taking action with regard to prostitution in cases where human rights were violated. That was the case when people were forced, physically or by other means to act as prostitutes. Prostitution was involuntary if physical or psychological coercion was used or if one person had de facto influence or authority over another. Those situations arose with trafficking in women. Economic coercion also represented a violation of human rights. Women from third world countries in particular, who came to Europe, apparently of their own free will, to work as prostitutes, were generally actuated by economic motives and were not really acting voluntarily.

46. The representative of the Netherlands added that combating trafficking in women was a matter which needed to be pursued not only at the national level but at the international level too. Trafficking took place across national borders, and traffickers themselves were often internationally organized. Trafficking in women could only be combated effectively if countries adopted coordinated policies on the investigation of trafficking and the prosecution of offenders. In order to promote international cooperation for that purpose, the Netherlands had adopted a very active attitude in a number of international organizations. The Government of the Netherlands did not consider prostitution as a career perspective but recognized that the phenomenon existed and wished to combat enforced prostitution and trafficking in persons. It was of the opinion that following a policy for promoting equality between men and women, and a development cooperation policy aimed at strengthening the position of women in the development process was a more effective way of combating trafficking in persons and the exploitation of the prostitution of others.

47. The representative of India considered that it was incorrect to say, as some non-governmental organizations had done, that the administrative machinery in India did not enforce the legislation in regard to prostitution. Anyone going through the pages of Indian newspapers would be fully aware that from time to time the police and other concerned officials raised certain areas where it was suspected that prostitution was taking place. Decoy customers were sent to catch the persons red-handed. Moreover, the Government of India had taken social measures to rehabilitate girls or women who had become caught in a web of prostitution. Such rehabilitation was made possible under the scheme of short-stay homes. The Government was giving grants-in-aid to voluntary organizations and institutions for establishing and running such short-stay homes. Medical care, psychiatric treatment, occupational therapy, social facilities for adjustment, educational, vocational and recreational facilities were all provided under that scheme. Several dozen of short-stay homes were functioning in different parts of India. As for combating prostitution at the international level, the delegate of India felt that the best way to facilitate rehabilitation was by giving greater sanctity and applicability to the 1949 Convention. Noting that a large number of countries had not yet become parties to the Convention, he recalled that his country had signed the Convention in May 1950 and had ratified it in January 1953. He appealed to those countries that had not become parties to the Convention to do so rapidly.

48. A representative of the International Abolitionist Federation stated that the 1949 Convention had been ratified by the Belgian Parliament on 6 May 1965. According to the speaker, the Belgian Government had not correctly implemented the Convention so far, the main reasons being the absence of willingness on the part of the courts to implement legal measures as far as local or international prostitution was concerned; the dispersion of powers due to the country's division into two communities and three regions; the opening up of the borders in the framework of Benelux and the European Community that facilitated the traffic of people; the possibility of arranging "false" marriages that automatically granted Belgian nationality; the absence of legal measures with regard to agencies specializing in importing women, especially of African or Asian origin.

49. In May 1991, the competent authority on migration policy had organized a meeting on the subject of trafficking in women, from which the following proposals had emerged: (a) the Secretary for Social Progress had pledged to support financially some private organizations and to finance research and the publishing of a report; (b) the regional employment ministers had agreed on the necessary coordination with regard to the granting of work permits and the exchange of information between the regions; (c) it had been recommended that the Justice Minister and the Foreign Secretary work together in order to inform diplomatic and consular staff in foreign countries to deliver collective or diplomatic visas cautiously; (d) the Justice Minister had also pledged to take the necessary measures to enable the Foreigners' Office to facilitate solutions for people willing to get out of their clandestine status; (e) it was eventually recommended that the Communities Ministers in charge of social affairs finance together the setting up of a foundation against trafficking in women.

50. A representative of the International Federation Terre des Hommes introduced the question of trafficking and exploitation of Nepalese children and women in the sex industry. It had been estimated that of the 2 million women in prostitution in India, roughly 400,000 were under 18 years of age, and approximately 150,000 were from Nepal, of whom a large and alarmingly growing proportion were minors. It had been observed that, on an average, 5,000 to 7,000 young girls were trafficked across Nepal and sold into brothels in India each year. Over the past decade, the average age of those victims had dropped from 14-16 years to 10-14 years. In Bombay alone, 25,000 Nepalese women worked in the sex industry, of whom 20 per cent were minors. In Nepal, the rapid growth of tourism and its avid promotion by the Government was contributing to the incorporation of prostitution in that industry. While treks and hikes constituted the principal focus of tourism in Nepal, it had been pointed out that along some often-traversed trekking routes, the sexual services of local women were offered along with other forms of hospitality by lodge owners.

C. Proposal for a request for an Advisory Opinion of the International Court of Justice on the validity of reservations to the Convention on the Elimination of Discrimination against Women

51. Ms. Palley noted that several speakers had made the point that traffic in women and the exploitation of prostitution, and indeed the whole social and economic system which permitted those phenomena, constituted a grave form of discrimination against women. Those practices, she added, were contrary to the Convention on the Elimination of All Forms of Discrimination against Women. They fell directly within the scope of article 1 of the Convention, defining "discrimination against women", in that they constituted restrictions "made on the basis of sex which [had] the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women ... of human rights and fundamental freedoms in the economic, social, cultural, civil or any other field". The Convention applied as between individuals, not merely as against States, while States, in accordance with article 3, had a duty in all fields to take all appropriate measures, including legislation, to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights.

52. The member of the Working Group went on to emphasize that the Convention was the most heavily reserved of all international human rights conventions: 23 of more than 100 ratifying States had made 88 substantive reservations. In the context of the Committee, reservations concerning "employment" were particularly serious. Article 11 required that:

> "1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
>
> ...
>
> (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
>
> (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
>
> ...
>
> 2. (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them."

53. Article 2 was also relevant. It required that:

> "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:
>
> (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
>
> (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
>
> (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
>
> (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practicea which constitute discrimination against women;..."

54. Ms. Palley added that many States have made reservations on article 2 and on Article 15, which gave women legal capacity and the right to pursue remedies. It was questionable whether a whole series of reservations, designed to avoid any need to modify domestic law, could be regarded being in conformity with the object of the Convention and the overriding duty to establish means, i.e. proper instrumentalities, institutions, laws and administrative action, designed ultimately to achieve the goal of equality.

55. She referred to an article in the Virginia Journal of International Law, (vol. 30: 643, 1990) by Professor Rebecca Cook. It was arguable that either there had been no ratification by States making such reservations or that the reservations were invalid and that States had ratified unreservedly, with the invalid reservations falling away. It was essential that those matters be properly determined. The only appropriate body was the International Court of Justice. Neither the Committee on the Elimination of Discrimination against Women (CEDAW), the monitoring body under the Convention, nor the Sub-Commission or Commission, could ask for an advisory opinion. Ms. Palley hoped the Working Group would propose that a request be made by the Economic and Social Council for an advisory opinion on the reservations to the Convention on the Elimination of All Forms of Discrimination against Women. If the International Court gave a ruling, States would be required not to engage merely in formalistic legal acts, but to engage in measures with legal and social substance.

56. Ms. Palley emphasized that when an advisory opinion was given, it would look at broad systemic issues of discrimination going beyond the narrower theme of prostitution and trafficking in women. That was also the Working Group's concern and certainly within the jurisdiction of the Sub-Commission. Ms. Palley said she would be particularly pleased at a full-scale examination because not only would reservations such as those of Bangladesh, Thailand and Turkey be examined, but also those of the United Kingdom, which had reservations which were quite extensive in regard to overriding considerations of economic policy. The Working Group was specifically concerned with a large number of the reservations and it should see that the Convention was made more effective as a consequence of the International Court of Justice pronouncing on it and on the validity or otherwise of the reservations. She therefore said that she intended to submit a draft resolution on the subject.

V. REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

A. Sale of children

57. At the 5th meeting of the Working Group, one of the statements by the International Abolitionist Federation concerned Brazilian street children. The representative of IAF said that such children, who numbered between 7 and 30 million, were currently the victims of considerable violence, which he described in detail. Many children were murdered, purchased or sold by means of adoptions of greater or lesser legality, or used to supply the organ transplant trade. He concluded by making a number of proposals for future action. He suggested that investigations should be undertaken throughout Latin America to punish the traffickers, and that at the international level the traffic in children, even under the cloak of lawful adoption, should be prohibited. Lastly, he said it was necessary for international bodies, endowed with the appropriate resources, to concern themselves with the trade in organs.

58. The International Association of Democratic Lawyers informed the Working Group of its findings regarding organ transplants. The information revealed that the removal of organs from children for commercial purposes had been carried out or attempted in Honduras, Guatemala, Peru and Brazil. The speaker added that the Latin American Commission on Human Rights had asserted that the practice affected several countries in Central and South America. The speaker also said that the traffic was facilitated by the existence of new pharmaceutical products which allowed organs to be kept longer.

59. Furthermore, the Association regretted that legislation against the trade in organs that had been developed by the World Medical Association was not observed by all countries. He recalled that the 1989 Ottawa congress on ethics, justice and trade had asserted that purchasing or selling human organs was unacceptable. The speaker requested that serious research be undertaken in order to shed all possible light on the practice.

60. After that description of the situation, the members of the Working Group expressed deep concern about the serious allegations. The experts made several proposals: (a) the Working Group's Special Rapporteur should take the two reports into account in the future; (b) WHO should become more fully involved in the issue; (c) INTERPOL should direct its attention to the issue; and (d) an international convention on human organ transplantation should be drawn up.

61. The representative of the World Health Organization stated that, in resolution WHA40.13 (Development of guiding principles for human organ transplants), adopted in May 1987, the Fortieth World Health Assembly requested the Director-General to "study, in collaboration with other organizations concerned, the possibility of developing appropriate guiding principles for human organ transplants". The process of responding to that request was initiated in June 1989, following the adoption by the Forty-second World Health Assembly, in May 1989, of resolution WHA42.5 (Preventing the purchase and sale of human organs).

62. In order to take due account of diversity in national systems of health care and varying legal traditions, and of the social, cultural, religious, and medical circumstances in different countries, the Director-General of WHO initiated a process of consultation involving a broad range of organizations and individual experts, notably Professor Dickens (Toronto), Professor Henri Kreis (Paris), Professor Peter Morris (Oxford), and Mr. Russell Scott (Sydney). Two informal consultations were convened at Geneva. The various drafts that emerged from this process were widely circulated for comments, notably to experts on the medical, legal, ethical, cultural, religious, and health policy aspects of organ transplantation throughout the world. As a result of that process, a set of Guiding Principles on Human Organ Transplantation were developed. As noted above, in May 1991 the Forty-fourth World Health Assembly endorsed those Guiding Principles, and recommended, inter alia, that Member States take them into account for the formulation of their own policies on human organ transplantation. Moreover, the Assembly, by its resolution WHA44.25 requested the Director-General to review the Guiding Principles from time to time in the light of national experience in their implementation and developments in the field of human organ transplantation. The Guiding Principles were intended to provide an orderly, ethical and acceptable framework for regulating the acquisition and transplantation of human organs for therapeutic purposes. The term "human organ" was understood to include organs and tissues, but did not relate to human reproduction, and accordingly did not extend to reproductive tissues, namely ova, sperm, ovaries, testicles or embryos, nor was it intended to deal with blood or blood constituents for transfusion purposes. The Guiding Principles prohibited giving and receiving money, as well as any other commercial dealing in that field, but did not affect payment for expenditures incurred in organ recovery, preservation and supply. Of particular concern to WHO was the protection of minors and other vulnerable persons from coercion and improper inducement to donate organs.

63. The observer for India made a number of clarifications concerning the transplantation of human organs in India. He pointed out that the donation of organs was allowed, but that racketeering in human organs was a punishable offence. In order to reduce the risk of racketeering, the Government of India was in the process of enacting comprehensive legislation which would make it possible to obtain human organs from cadavers.

64. The representative of Defense for Children International Movement made a statement concerning the sale of children in Romania for international adoption. He said that the Adoption Act, which had come into force in Romania in July 1990, was a step forward, although demand was so heavy that breaches were constantly increasing. He recalled that in December 1989 there had been approximately 150,000 children in Romania's institutions, although he estimated that no more than 3,000 of them were actually suitable for adoption, either by Romanian couples or by foreigners. Yet, at least 8,000 Romanian children had been adopted abroad during the previous 12 months. It would therefore seem that thousands of children had been obtained through direct negotiations with their parents, often in exchange for compensation in cash or kind. Abuses had become so common that less than one year after the July 1990 Act, it had become necessary to strengthen the relevant legislation considerably. Since February 1991, his organization and International Social Service had cooperated with the Romanian authorities, in particular the

Adoption Committee, in order to put an end to the sale of children for international adoption. To that end the two organizations had appointed a group of experts to assess the situation and put forward specific proposals.

65. He concluded by making five recommendations to the Working Group. Firstly, the Working Group should express its concern over the fact that foreigners frequently purchased Romanian children for adoption. Secondly, the Working Group should recommend that the Sub-Commission should urge all States to ensure that national legislation and practice guaranteed that any international adoption in which they were involved complied with the relevant international standards regarding the rights of the child. Thirdly, the Working Group should recommend that every Government that was aware that children were sold in its country for adoption should give favourable consideration to offers of cooperation to eradicate the problem. Fourthly, the Working Group should recommend that the competent authorities in the receiving countries should take specific measures to inform the public about the acceptable aims and conditions of international adoption. Fifthly, the Working Group should invite the media to take the rights of the child into account when they published information on the suffering of children.

66. After the statement by Defense for Children International Movement, Mr. Diaconu spoke about the adoption of children in Romania. He began with a detailed description of the measures adopted within the framework of the new Adoption Act. He drew the Working Group's attention to the fact that the new legislation gave priority to Romanian citizens, prescribed a six-month waiting period before any adoption and laid the foundations for cooperation between the Government of Romania and the authorities of various foreign countries concerned with adoption. He concluded by congratulating the non-governmental organizations, and in particular Defense for Children International Movement, for the interest and support they had shown for Romanian children.

67. The representative of UNICEF said that his organization was working on appropriate measures to put a stop to the traffic in children. The measures introduced in the new Brazilian constitution regarding the rights of children were a noteworthy step, even if they were not always effective. In his view, they had nevertheless helped to develop public awareness. UNICEF regretted that it was not able to present to the Working Group specific responses and measures relating to the problem under consideration.

68. The Chairman of the Working Group concluded by saying that in view of the lack of conclusive evidence regarding the trade in organs taken from children, it was preferable to use the term "allegations", which none the less deserved the Working Group's full attention.

B. Slavery and the slave trade

69. No discussion was held on this subject during the current session of the Working Group.

C. Child prostitution and child pornography

70. A representative of UNICEF said that in recent years there had been several positive developments in efforts to understand better and ultimately to reduce child prostitution and the sale and trafficking of children. Many of those efforts, mainly by non-governmental and religious organizations had been documented in publications by the International Catholic Child Bureau (The Sexual Exploitation of Children: Field Responses); the Oecumenical Coalition on Third World Tourism (Caught in Modern Slavery) and Redd Barna. Those documents and more recent reports, including particularly the report of the Special Rapporteur of the Commission on Human Rights, Mr. Vitit Muntarbhorn, revealed that it was a worldwide problem.

71. They also revealed the existence of internationally organized rings of paedophiles and sex tourism that had significantly increased the amount of child prostitution in a number of developing countries. Furthermore, evidence had come to light of an increase in intercountry trafficking in children for exploitation in prostitution, particularly in Asia, but also in Africa and Latin America. It was no longer primarily a domestic issue, but one which must be addressed on an international scale. Fortunately, a number of Governments in the countries most affected had begun to take action to discourage sex tourism and investigate that problem. However, cooperation among countries still needed to be much more developed. Recent activities by several non-governmental organization networks such as the International Catholic Child Bureau, the International Abolitionist Federation, the newly formed End Child Prostitution in Asian Tourism and Redd Barna had greatly enhanced public awareness of that problem; they formed the beginnings of an international network to respond to it. UNICEF looked forward to continued cooperation with those organizations, intergovernmental organizations and concerned Governments.

72. The representative of the International Catholic Child Bureau stated that the Sub-Group on Sexual Exploitation of the NGO Group on the Convention on the Rights of the Child had prepared a revised version of the Programme of Action on the Sale of Children, Child Prostitution and Child Pornography based on the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations. The Working Group had the document before it as E/CN.4/Sub.2/AC.2/1991/6/Add.3. The members of the Working Group expressed their appreciation of that initiative, which would contribute to the reformulation of the Programme of Action.

73. The representative of the International Catholic Child Bureau, speaking on behalf of several non-governmental organizations, suggested that the follow up of the Programme of Action should be closely linked to the follow up of the Plan of Action for implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit of Children in September 1990.

D. Eradication of the exploitation of child labour and of debt bondage

74. A representative of Anti-Slavery International spoke about child labour in India, which in 1985 had affected around 44 million children, most of whom belonged to the Untouchables, a caste that comprised some 200 million individuals. He requested the United Nations to keep track of the situation in India, to monitor violations of the human rights of the Untouchables and to establish a linkage between any funding or assistance to India and improvement of the status of the Untouchables and other oppressed persons in India.

75. The representative of the International Abolitionist Federation gave a detailed description of the situation regarding child labour, and in particular the hiring of children, in Côte d'Ivoire. Child hiring, which had expanded considerably in recent years, involved supplying urban centres with children from rural areas. Such children were all female, mostly illiterate and aged between 8 and 17. In the north-east of the country, between 20 and 70 per cent of families were involved in child hiring. The phenomenon had repercussions for rural areas; villages became depopulated, leading to a sharp fall in the number of marriages and affecting agricultural output. The representative of the Federation suggested that studies should be carried out to identify the different forms of exploitation of child labour.

76. Anti-Slavery International (ASI) emphasized that debt bondage affected almost 5 million adults and 10 million children in India. The organization's representative said that the recommendations made by the Sub-Commission to suppress forced child labour had apparently not received close attention. In February 1991, Anti-Slavery International had organized the first workshop on the suppression of child labour in the carpet industry in India. He informed the Working Group that in a recent decision, the Supreme Court had laid down 21 guidelines for central and local government regarding the improvement of the working conditions of children. He further said that the Court had appointed a commission of inquiry whose report, dated 30 June 1991, had identified more than 2,000 bonded workers. He said that the Working Group should recommend that the Sub-Commission appoint a special rapporteur on debt bondage on the Indian subcontinent, and in particular in India and Pakistan.

77. Another representative of ASI drew attention to a case of debt bondage in a Dumagat community in the Philippines. The speaker recalled that the Philippines had ratified the Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. He made two recommendations to the Working Group: (a) that slaves should be identified in order to be freed and rehabilitated; (b) that the Philippine Government should be urged to identify the appropriate law or introduce new legislation to allow the 1956 Supplementary Convention to be enforced.

78. Another representative of ASI expressed regret that the promise made by the Government of Pakistan, one year earlier, of a new law abolishing forced labour had not been kept. He estimated that approximately 20 million people in Pakistan came within the category of bonded labour: 70 per cent were Christian, 3 per cent Hindu and 27 per cent Muslim. He also revealed that although child labour was unlawful in Pakistan, 50,000 children aged between 4 and 12 worked in small carpet-weaving workshops subsidized by the State,

while the private sector employed some 500,000 children. In Karachi and Hyderabad 50 per cent of those children died of overwork and illness. He also said that the status of bonded workers had grown worse after the arrival of adult and child Afghan refugees, reportedly numbering over half a million, who were prepared to work as bonded labourers. He also drew attention to the practice of the sale and purchase of bonded labourers in agriculture in Madras and Swabi.

79. He also provided information on his organization's activities: it had in particular set up an education programme for bonded workers and opened 77 primary schools, known as APNA schools, in the Philippines. He concluded by making the following suggestions:

(a) To find ways to commission a comprehensive and in-depth study of the problems of bonded labour;

(b) To frame effective laws for the abolition and elimination of the bonded labour system;

(c) To rescind the restriction imposed upon the workers for obtaining a freedom certificate from the civil judge;

(d) To declare an international day for the abolition/elimination of the bonded labour system. 18 September, which had already been declared the South Asia Day for the Child in Servitude, was recommended.

(e) To make legal aid arrangements for the workers and education for their children;

(f) To organize a tripartite seminar on bonded labour at the earliest possible date under the aegis of ILO.

80. With regard to child labour, the representative of the Centre of Concern for Child Labour gave a detailed description of the 1986 Act on child labour and the Indian national project designed to reduce the number of child workers by 30,000 over the next five years. He questioned the effectiveness of the Act and the number of children that had actually benefited from it. In support of his argument, he gave the example of a match and fireworks factory in Sivakashi in southern India, which employed children, 400 of whom had died and many others been seriously injured as a result of fires.

81. The speaker asked the Working Group, first, to recommend to the Sub-Commission that a white paper be drafted on the implementing and the follow up of the international norms and standards agreed to by India under various Conventions and Protocols. Second, he asked that a joint working group be established, consisting of members of the Working Group on Contemporary Forms of Slavery and representatives of ILO and UNICEF, with the purpose of examining the law of 1986. In addition he requested the agencies of the United Nations concerned with human rights issues to examine the above-mentioned law. Lastly, he appealed to the Council of Europe, to the United States and Canada to take measures in accordance with which the sale of items made by exploited children in India would be prohibited.

82. The representative of UNICEF said that child labour was linked to the economic, social and cultural situation both at the national and at the international levels; the problem could not be solved simply through legislation. Economic, cultural and social measures had to be adopted to reduce disparities and prevent the collapse of family structures. More than half the articles in the Convention on the Rights of the Child, which had been ratified by almost 100 countries, concerned child labour, violence and negligence. The approach adopted by the Convention was one of support rather than of constraint. He informed the Working Group that the UNICEF Board had set up an interregional programme covering Africa, Asia and the Middle East.

83. With regard to ILO Convention No. 138 of 1973, the representative of ILO said that although the principle of a minimum age for admission to employment was accepted, there was still a huge gap between the principle and reality. In the report entitled "The dilemma of the informal sector", submitted by the Director-General of ILO to the 78th session of the International Labour Conference (1991), the fate of children was described as "tragic". Despite the legal ban in force in most countries, millions of children worked in the informal sector, in extremely dangerous and deplorable conditions.

84. ILO monitoring bodies were deeply concerned at the situation of children suffering exploitation and children in bondage. The observations made by the Committee of Experts regarding the implementation of conventions on the prohibition and abolition of forced labour - in 1991 some of them concerned the situation in India, Pakistan, Peru, Mauritania, Thailand and the Dominican Republic - were largely devoted to the situation of children in bondage and children suffering exploitation. For its part, at the 78th session (1991) of the International Labour Conference, the tripartite Committee on the Application of Standards had examined a number of situations relating to the implementation of forced labour conventions, and in particular the issues of debt bondage in India and Pakistan, the situation of Haitian workers in the Dominican Republic and the exploitation of child labour in Thailand.

85. He said that ILO intended to intensify its efforts to combat child labour, through concerted use of all the means available to the organization, including technical cooperation, in support of fundamental standards. For example, an interdepartmental project on the elimination of child labour was designed to promote the ratification of and greater respect for international standards relating to the prohibition of child labour. With regard to the recommendations made by the Working Group and resolution 1990/30 of the Sub-Commission on the possibility of organizing a seminar or workshop on debt bondage, he said that ILO supported the holding of a workshop in principle, although the detailed arrangements were still being studied.

86. In another statement the representative of Anti-Slavery International described child labour in Portugal, where children worked in establishments, shops and ports and frequently in sectors where there were no trade unions and no surveillance was carried out by factory inspectors. Although it was difficult to ascertain exact numbers, it was estimated on the basis of ILO figures that in 1987 63,000 children aged between 10 and 14 and 165,000 between 15 and 19 were involved. The number of establishments employing child

workers was 8 per cent up on 1989. She also emphasized that almost 40 per cent of children failed in the first or second year of schooling, and recalled that the level of illiteracy was currently 15 per cent in Portugal (18.5 per cent in the case of women), three times the level in Greece, Spain and Italy, while in the rest of the European Community it was in the region of 3 per cent.

87. According to the Governments reply to the Commission on Human Rights in 1990, Portugal was considering the ratification of the Minimum Age Convention 1973 (No. 133) of ILO which established the minimum working age as 15 years. Compulsory education up to the ninth year was being phased in, and should finally become effective from 1995. Parental authorization would be needed for children to work. The speaker made three recommendations:

(a) Assessment of consequences of work on children should be made;

(b) Strict sanctions should be applied to employers of under-age workers;

(c) The labour and school inspectorates should be made more effective. They needed to work more closely together with trade unions, and non-governmental and church organizations to plan long-term educational work with schools, families and youth groups.

Lastly, the speaker underlined the importance of introducing compulsory education up to the age of 15 years.

88. In reply to statements made by several participants, the observer for India said that his Government in no way denied the existence of debt bondage and child labour in India. As far as debt bondage was concerned, he drew the attention of the Working Group to its historical and economic roots, and to the measures adopted by his Government to eliminate it. He then described in detail the 1976 Act on the abolition of forced labour. Under that Act, the liabilities of bonded labourers were extinguished and offences under the Act made punishable. He indicated that around 250,000 bonded labourers had already been identified and freed. The majority of them had been rehabilitated.

89. Furthermore, the speaker affirmed that bonded workers should first be identified and later helped through rehabilitative measures. He pointed out that the appropriate administrative action consists of three stages: identification, release and rehabilitation. The central Government had continued to advise the State Governments to conduct periodical surveys for the identification of bonded labourers and to take steps for their release and rehabilitation. They had also been advised to involve voluntary agencies and social action groups in that task. The Government gave rehabilitation grants to the released bonded labourers; such assistance could take one of three forms: it could be land-based; non land-based implying the supply of milk-animals and animal husbandry components; or it could be skillcraft based. The observer said that in order to strengthen the law, Vigilance Committees had been set up in districts and sub-divisions of states where instances of bonded labour had come to light.

90. In reply to the remarks of the representative of Anti-Slavery International, the representative of India affirmed that his Government was engaged in efforts to abolish bonded labour and that he could not accept such a suggestion for a special rapporteur. That suggestion was tantamount to questioning the bonafides of the Government and the commitment of the people of India to fight against this practice. He added that since the executive, judiciary, Parliament, press and voluntary agencies in India were doing so much to combat the problem, there was nothing more which could be achieved by a special rapporteur.

91. On the question of child labour, the observer for India informed the Working Group that his Government had a policy prohibiting children under the age of 14 from working in factories, mines and other dangerous sectors, and regulating their working conditions. The law on child labour prohibited the employment of children in certain specified processes and occupations and sought to regulate the conditions in sectors where children were permitted to work. He drew the attention of the Working Group to the fact that a child labour technical advisory committee had been constituted to advise the Government regarding areas of employment where child labour needed to be prohibited. The Government took account of its recommendations in that regard.

92. He recognized that legislation alone was not sufficient to tackle the problem of child labour. India had therefore formulated a child labour policy in 1987 with the aim of suitably rehabilitating children who were withdrawn from prohibited unemployment and of providing welfare inputs such as education, health care and skill development. The setting up of projects for the welfare children in certain selected areas of child labour was envisaged under the child labour policy. The major component of those projects was the establishment of special schools, of which 114 had been approved and would benefit 6,400 children. He concluded by mentioning that his Government was helping voluntary organizations to undertake action-oriented projects for the welfare of working children.

E. Slavery-like practices of apartheid and colonialism

93. No discussion was held on this subject during the current session of the Working Group. Reference to the slavery-like practices of apartheid and colonialism is made in section VII.

F. Child soldiers

94. The representative of the Friends' World Committee for Consultation reaffirmed his conviction that children should not be enlisted in the armed forces or take part in armed conflicts. He pointed out that there were more than 20,000 child soldiers in the world, and said that they fought in opposition movements or were used as spies, and that forced enlistment was still a common practice. He also recalled that the United Nations had condemned the recruitment of children under 15 during wartime. He then described in detail the living conditions of child soldiers, and submitted three proposals to the Working Group to improve their situation. He suggested that the Sub-Commission should request the Secretary-General to submit a report on the situation of child soldiers; the Special Rapporteur, Mr. Vitit Muntarbhorn, should examine the problem of the exploitation of child

soldiers; and the Sub-Commission should invite ex-servicemen's associations to prepare a report on the situation of child soldiers for the next session of the Working Group.

95. Ms. Palley expressed the opinion that persons under the age of 18 years might not be sufficiently mature to understand the consequences of their actions and to comply with international humanitarian law.

96. In that connection, Ms. Ksentini underlined the important role played by youth in the struggle against colonialism and apartheid. Moreover, the age of recruitment was still in question. With regard to the voluntary participation of youth in the struggle for independence, it should in no way be considered as forced recruitment since the combattants in liberation movements consider their participation in the fight against oppression, colonialism and apartheid as an honour and duty and in conformity with international law.

VI. FOLLOW-UP OF RECOMMENDATIONS ADOPTED AT PREVIOUS SESSIONS

97. At its 9th meeting, the Working Group reviewed the recommendations adopted at its previous session, as contained in paragraphs 95 to 145 of its 1990 report (E/CN.4/Sub.2/1990/44), as well as some recommendations of its earlier sessions, and assessed their implementation.

98. General recommendations contained in paragraphs 105 to 112 of the 1990 report of the Working Group were recognized as being implemented through the activities of the current session of the Working Group.

99. The follow-up of the recommendations on the eradication of the exploitation of child labour and of debt bondage had been considered satisfactory. The resolution proposed in paragraph 114 and contained in annex I (A) to the 1990 report of the Working Group had been adopted by the Sub-Commission (resolution 1990/31) and subsequently by the Commission on Human Rights (resolution 1991/55). The proposed draft programme of action for the elimination of the exploitation of child labour had been transmitted to Governments, specialized agencies and competent intergovernmental and non-governmental organizations for their comments and observations. An analytical summary of the replies received would be submitted by the Secretary-General to the Commission on Human Rights at its forty-eighth session, in 1992.

100. The draft resolution proposed in paragraph 115 and contained in annex I (B) to the 1990 report of the Working Group had also been adopted by the Sub-Commission (resolution 1990/30).

101. With regard to the recommendations on debt bondage contained in paragraphs 117 and 120, they were considered as not fully implemented because of their general character and owing to the fact that they had not been incorporated in a resolution.

102. As was indicated by the representative of the International Labour Organisation, the recommendations contained in paragraphs 118 and 119 had been the area of permanent concern by ILO.

103. The recommendation in paragraph 121 concerning the inclusion of the study of the problem of debt bondage in the updated report on the exploitation of child labour had been incorporated in operative paragraph 5 of resolution 1990/30 of the Sub-Commission.

104. Also included in the same resolution of the Sub-Commission (para. 6) was the recommendation contained in paragraph 122, by which the ILO had been invited to consider the possibility of holding a seminar or workshop on debt bondage. The representative of ILO indicated that that recommendation had been accepted by her organisation, but the modalities of such a meeting were still under consideration.

105. The recommendation contained in paragraph 123 had been recognized as being applied at the current session.

106. The general recommendations on the sale of children, child prostitution and child pornography contained in paragraphs 124 to 126 were considered as implemented since they were aimed merely at transmitting additional information on those issues to the Commission on Human Rights for inclusion in the Secretary-General's summary.

107. Also viewed as implemented were the recommendations in paragraphs 127 to 129 relating to the activities of the Special Rapporteur on the sale of children. The recommendation in paragraph 129 by which the Special Rapporteur had been invited to consider ways and means of cooperating with the Working Group, had been reflected in resolution 1991/54 (para. 7) of the Commission on Human Rights. It was appropriate that the Special Rapporteur should participate in the sessions of the Working Group on Contemporary Forms of Slavery and that there should be cooperation between that Working Group and the Special Rapporteur.

108. The recommendations relating to the prevention of traffic in persons and the exploitation of prostitution of others (paras. 130-133) were considered as having been applied through the activities of the Working Group at its current session, of which those issues constituted the main theme.

109. As far as the issue of child soldiers is concerned (para. 137 of the recommendations), this question was placed on the agenda of the current session of the Working Group as item 5 (f) and received further consideration.

110. The recommendation in paragraph 138 concerning the coordination between the work of the Working Group and that of the existing monitoring bodies was further elaborated and reflected in paragraphs 17 to 21 of Sub-Commission resolution 1990/30.

111. Provisions of paragraphs 139 and 140 were being applied through the activities of the current session of the Working Group.

112. Thorough consideration was given at the current session to the issue of strengthening the machinery for monitoring the implementation of slavery conventions (para. 141).

113. The Working Group has confirmed its recommendation in paragraph 142 regarding the agenda of its seventeenth session in 1992.

114. No follow-up was expected in regard to the observations contained in paragraph 143.

115. The Working Group noted with satisfaction the implementation by the Secretariat of its recommendation in paragraph 144 regarding the preparation of the annotated agenda for the current session and encouraged the continuation of this practice.

116. With regard to the question of assigning a full-time professional staff member to service the activities of the Working Group (para. 145), it was noted by the experts that that recommendation had still to be implemented.

VII. RECOMMENDATIONS ADOPTED AT THE SIXTEENTH SESSION

General

117. A review of the information provided to the Working Group and of the problems brought to its attention shows that, despite the progress made in the protection of human rights and the preservation of human dignity, there still exist, all over the world, various forms of slavery. The Working Group reiterates that further efforts are required with a view to eliminating all vestiges of slavery of whatever form before the end of the twentieth century.

118. The Working Group stresses yet again that the main cause of contemporary forms of slavery is poverty. However, poverty cannot justify their persistence.

119. The Group calls for effective action to achieve the total elimination of apartheid.

120. The Group also expresses the hope that the end of the twentieth century will coincide with the eradication of all other forms of slavery affecting particularly vulnerable groups of individuals, such as the sale of children, prostitution, the exploitation of child labour, traffic in persons and the use of children in armed conflicts or as agents for organized crime or drug trafficking.

121. The Group welcomes with satisfaction the entry into force of the Convention on the Rights of the Child and the establishment of the Committee on the Rights of the Child, which could generate a permanent dialogue involving all parties concerned with the promotion of children's rights. The Group calls upon States which have not yet done so to ratify the Convention promptly and implement it effectively.

122. The Working Group also welcomes the adoption of the 10-point programme of the World Declaration on the Survival, Protection and Development of Children adopted by the World Summit for Children on 30 September 1990. The Group hopes that the decisions taken at the Summit will be implemented promptly and effectively.

123. The Group expresses its satisfaction at the forthcoming convening of the World Conference on Human Rights, particularly taking into account the goals of this Conference, established in General Assembly resolution 45/155 of 18 December 1990. The Group expresses the hope that it will be associated with the preparation of this Conference.

124. The Working Group takes note with appreciation of Economic and Social Council resolution 1991/34 relating to the creation of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and expresses its conviction that the establishment of this Fund will constitute a significant development for the protection of victims of contemporary forms of slavery.

Recommendations

Prevention of the traffic in persons and the exploitation of the prostitution of others

125. Having examined at great length the main theme of the 1991 session, the Working Group expresses its deep gratitude to all participants for the comprehensive information provided on the worldwide phenomenon of traffic in persons and the exploitation of the prostitution of others and concludes that urgent action is required to prevent and eliminate these practices;

126. Convinced that the traffic in persons and prostitution are incompatible with the dignity and worth of the human person;

127. Considers it necessary to promote the implementation of international norms and standards against trafficking in persons and the exploitation of the prostitution of others and to strengthen the mechanism of implementation of the 1949 Convention on this subject;

128. Notes with satisfaction the initiative taken by the United Nations Educational, Scientific and Cultural Organization to organize a workshop to identify international human rights approaches to the exploitation of women in prostitution, which was held at Pennsylvania State University, United States of America, in April 1991, and takes note of the report of this meeting;

129. Convinced of the need for a concerted campaign against trafficking in persons and the exploitation of the prostitution of others to be given high priority within the United Nations system;

130. Recommends that the Sub-Commission consider the ways and means of achieving these objectives;

131. Recommends to the Sub-Commission the adoption of draft resolution I in annex I containing a programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others;

132. Further recommends to the Sub-Commission the adoption of draft resolution II contained in annex I concerning the other matters considered at the Working Group's sixteenth session;

Sale of children, child prostitution and child pornography

(a) Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

133. Reaffirms its satisfaction at the appointment of Mr. Vitit Muntarbhorn, for a two-year period, as Special Rapporteur of the Commission on Human Rights;

134. Takes note of the information on these problems supplied by the participants in the work of the Group's sixteenth session and requests the

Centre for Human Rights to transmit this information to the Special Rapporteur, along with the recommendations relating to his mandate;

135. Requests the Special Rapporteur, within the framework of his mandate, to pay increased attention to the aspects relating to trafficking in children, especially with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts;

136. Recommends that the Commission on Human Rights should extend the mandate of the Special Rapporteur beyond 1991;

137. Invites the Special Rapporteur to participate in the seventeenth session of the Working Group, bearing in mind the close relationship between his mandate and the work of the Working Group.

(b) Removal of organs from children

138. Concerned by information alleging that children are victims of, or are even killed for, the removal of organs for the purpose of commercial transplants;

139. Noting that some Governments and intergovernmental institutions have already undertaken measures to investigate this phenomenon;

140. Recommends that the Secretary-General of the United Nations request all Governments, the United Nations and its institutions, including UNICEF, the United Nations specialized agencies, in particular WHO, INTERPOL and all relevant non-governmental organizations to investigate these allegations further and to indicate any measures taken to counteract this practice wherever it exists with a view to establishing a report for the next meeting of the Working Group;

141. Decides to examine this matter as a separate sub-item under item 5 of its agenda at its seventeenth session;

(c) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography

142. Takes note of Commission on Human Rights resolution 1991/54 requesting the Sub-Commission to reformulate the programme of action;

143. Having considered the information submitted by States, specialized agencies and non-governmental organizations interested in the matter;

144. Has reformulated the draft programme of action on the basis of this information and the 10-point programme of the World Declaration on the Survival, Protection and Development of Children adopted by the World Summit for Children on 30 September 1990;

145. Submits this draft programme of action, as reformulated, to the Sub-Commission for subsequent transmittal to the Commission on Human Rights (see annex I, draft decision I).

Eradication of exploitation of child labour and of debt bondage

(a) Child labour

146. Takes note with satisfaction of Commission on Human Rights resolution 1991/55 by which the Commission agreed on the need to adopt a concerted programme of action for the elimination of the exploitation of child labour and decided to transmit the draft programme to Governments, the specialized agencies and intergovernmental and non-governmental organizations for their comments;

147. Requests the Secretary-General to make available to the Working Group at its seventeenth session a summary of the replies received.

(b) Debt bondage

148. Takes note of the comprehensive information on debt bondage provided by intergovernmental and non-governmental organizations and the constructive responses given by government observers;

149. Notes with appreciation that the International Labour Organisation is considering ways and means of holding a workshop on bonded labour;

150. Reiterates the recommendations contained in paragraphs 117 to 121 of the report on its fifteenth session (E/CN.4/Sub.2/1990/44);

151. Decides to keep this question under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice.

Slavery-like practices of apartheid and colonialism

152. Reiterates its previous recommendation that under this agenda item more attention should be given at future sessions to the situation of vulnerable groups, particularly women and children;

153. Invites the International Labour Organisation to inform the Working Group of the results of the work of ILO bodies dealing with problems of employment and labour under the apartheid régime.

Child soldiers

154. Takes note of the information presented on this issue at the present session of the Working Group;

155. Requests the Secretary-General to update his report on this subject on the basis of information provided by Governments, relevant United Nations organs and specialized agencies, intergovernmental and non-governmental organizations concerned;

156. Decides to consider this question at its seventeenth session.

Machinery for monitoring the international slavery conventions

157. Stresses the need for close coordination between the work of the Working Group and that of the committees set up under international human rights conventions, as well as cooperation with ILO bodies dealing with the application of international labour conventions;

158. Emphasizes that these committees and bodies are paying increased attention to the implementation by States parties of the provisions of these conventions relating to the prohibition of slavery, slavery-like practices or other practices which constitute contemporary forms of slavery;

159. Considers that the Working Group remains the focal point for monitoring the conventions concerning slavery in all its forms and for receiving and examining reports from States parties to those conventions;

160. Recommends once again that the Secretary-General should request the States parties to these conventions to submit reports on the situation in their countries and measures taken to apply the conventions in question;

161. Also recommends that the Secretary-General should request States not parties to these conventions to transmit information on the situation in their countries as regards the universally applicable norms of the prohibition of slavery, the slave trade and similar institutions and practices, as well as the prohibition of the traffic in persons and exploitation of the prostitution of others;

162. Decides to continue to consider such reports and information while placing emphasis in its activities on the study of contemporary forms of slavery;

163. Further decides to continue its study of ways and means of strengthening the machinery for monitoring the implementation of slavery conventions in order to give effect to Commission on Human Rights resolution 1991/58, which requests the elaboration of recommendations on the subject.

Reservations to the Convention on the Elimination of All Forms of Discrimination against Women

164. Having considered the grave phenomenon of the exploitation of the prostitution of women and the socio-economic inequalities which lead to the persistence of discrimination against women;

165. Concerned that certain reservations to the Convention on the Elimination of All Forms of Discrimination against Women may not be compatible with the object and purpose of the Convention may thus result in failure to ensure the dignity and worth of the human person and equal rights for men and women;

166. Invites the Sub-Commission to transmit to the Commission a proposal that it ask the Economic and Social Council to request the International Court of Justice to give an advisory opinion on the validity and the legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women;

167. Decides to transmit to the Sub-Commission the draft resolution (see annex I, draft resolution III).

Main theme for 1992

168. Decides to devote its seventeenth session to an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters.

Miscellaneous

169. Notes with satisfaction that the Secretariat prepared an annotated agenda for the last three sessions of the Working Group and recommends that this practice should be continued;

170. Again requests the Secretary-General to assign to the Working Group a full-time professional staff member of the Centre for Human Rights to work on a permanent basis to ensure continuity on issues relating to contemporary forms of slavery, prepare documentation well in advance and facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined.

ANNEX I

A. Draft resolution I

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of its Working Group on Contemporary Forms of Slavery on the work of its sixteenth session, the main theme of which was prevention of the traffic in persons and the exploitation of the prostitution of others,

Convinced that trafficking in persons and prostitution are incompatible with the dignity and worth of the human person,

Recognizing the extremely serious nature of the information presented and the need for the international community urgently to adopt measures to prevent such practices,

Recalling resolution 1983/30, entitled "Suppression of the traffic in persons and of the exploitation of the prostitution of others", adopted by the Economic and Social Council on 26 May 1983 and subsequent resolutions on this subject,

Considering that it is therefore desirable to launch a concerted programme of action as soon as possible, endorses the programme of action drawn up for this purpose by its Working Group on Contemporary Forms of Slavery,

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session;

Having taken note with deep anxiety of the information relating to the worldwide phenomenon of the traffic in persons and the exploitation of the prostitution of others,

Recalling resolution 1983/30, entitled "Suppression of the traffic in persons and of the exploitation of the prostitution of others" adopted by the Economic and Social Council on 26 May 1983 and the subsequent resolutions on this subject,

Gravely concerned about the consequences of these practices for their victims,

Having examined the various elements of the programme of action proposed by the Sub-Commission,

1. Endorses the views expressed by the Sub-Commission on the need to adopt a concerted programme of action to combat these practices;

2. Decides to transmit the attached draft programme of action for prevention of traffic in persons and the exploitation of the prostitution of others to Governments, to specialized agencies, to intergovernmental organizations, and also to non-governmental organizations, for their comments;

3. Requests the Secretary-General to submit to the next session of the Commission a summary of the replies received;

4. Decides to examine, at its forty-ninth session, the draft programme of action and the report of the Secretary-General.

Draft programme of action for prevention of traffic in persons and the exploitation of the prostitution of others

Introductory remarks

1. It is noted with concern that the traffic in persons and the exploitation of the prostitution of others remain rife in various parts of the world. These phenomena are acquiring new forms and are being pursued on an industrial scale to a dangerous extent; hence the need for the development of a political and social will to combat them.

2. The preamble to the Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others lays down that these phenomena are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.

3. These ancient scourges are being transformed into sordid international businesses, making unprecedented use of advertising, modern techniques and the promotion of tourism for purposes of sexual exploitation. Above all these businesses exploit the poverty of the deprived countries; yet first and foremost they have their origin, and the greatest demand arises, in the developed countries.

4. Existing legal instruments should be made more effective, while ensuring greater awareness at the national and international level of the fact that the traffic in persons and the exploitation of the prostitution of others detract directly from human dignity and the human condition.

5. With this in mind, serious and intensive efforts must be made in the fields of education and prevention, to create awareness of the dangers posed for humanity by the traffic in persons and the exploitation of prostitution.

6. It is also essential to encourage activities for the provision of assistance to the victims of prostitution and the traffic in persons and to expedite the application of legal instruments; there is a further need to foster the protection of victims and punish those responsible for such traffic, in the national, regional and international framework, where necessary by adapting such instruments to the requirements to which these scourges give rise.

A. General

7. To prevent trafficking in persons and exploitation of the prostitution of others, concerted measures are called for at the national, regional and international levels, including information, education, economical and technical assistance and rehabilitation, legislative measures and a strengthening of law enforcement in this field. Coordinating agencies should be appointed or established at the national, regional and international levels.

8. At the global level, coordination of the programme of action should be carried out by the Centre for Human Rights in cooperation with other sections of the United Nations Secretariat including the Centre for Social Development and Humanitarian Affairs, in particular the Division for the Advancement of Women, and the Division of Crime Prevention and Criminal Justice, and with concerned intergovernmental agencies, in particular UNHCR, UNICEF, ILO, UNESCO and WHO. Cooperation should also be strengthened with INTERPOL.

Information and education

9. An urgent international information campaign to raise public awareness of these abuses should form part of the programme. Governmental and non-governmental organizations should be encouraged to participate. The media should also be called upon in order to help break the silence surrounding these issues, while avoiding sensationalism. Law enforcement agencies should be given a significant role in this campaign.

10. In order to improve the quality and the availability of information, studies and investigations of these abuses should be undertaken by public and private institutions. The outcome, wherever possible, should be made public and exchanged between governmental and non-governmental organizations at the national, regional and international level.

11. Governments and UNESCO should be invited to draw up programmes for use in schools and by the media concerning the image of women in society, and to develop policies for promoting equality between men and women.

12. In order to provide a focus for the campaign, a world day for the abolition of contemporary forms of slavery should be proclaimed. It would be important to celebrate this world day on 2 December, the anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

13. Special educational measures should be articulated and adopted, on the basis of universally accepted ethical principles relating to human dignity, and directed at both the general public and at specific groups. Emphasis

should be placed on the damaging effects these abuses have on the victims, on ways to assist victims, in particular children, and on ways in which the abuses can be prevented, discovered and exposed.

14. Social workers, health workers and members of law enforcement agencies and of the judiciary should also receive education on the occurrence of such abuses and the ways in which they can be prevented and combated.

15. The number of women among the State personnel having direct contact with the victims of these abuses should be increased.

16. Moral educational and civic training, in and out of school, should be given, with the aim of preventing prostitution.

Social measures, development assistance

17. It is recognized that the onset of these abuses is often linked to poverty, and that long-range structural reforms in the social, cultural and economic fields will be required for their prevention. Development activities of the United Nations and other international and national agencies should have a substantive and positive impact on women and, in particular, on children. Priority should be given to policies aimed at improving the social and economic conditions of women in general and of the poorest women in particular. Local community projects, including collective self-help projects among vulnerable women and children, should also be encouraged.

18. For many countries, the application of local, national and regional programmes to benefit women and children who are victims of the traffic in persons requires substantial international assistance and calls for a greater commitment on the part of the international community, either through specific projects or through development assistance.

19. Plans for development and assistance, especially those aimed at developing countries, must take into account the needs of women who are victims of the traffic in persons and of sexual exploitation. Governments and non-governmental organizations must be encouraged to undertake activities for the protection of women who are victims of the traffic in persons or the exploitation of the prostitution of others, particularly women from other countries and children.

Legal measures and law enforcement

20. Legislation aimed at protecting women and children against trafficking and sexual exploitation should be improved and more effectively enforced. Prosecution policies should be developed. Treatment and support systems should focus more on victims of such abuses. Legal aid should be easily available to victims. Methods should be devised to secure testimony from women and children who have been the victims of such abuses without further traumatizing them, and to ensure the protection of witnesses.

21. Traffic in persons and the exploitation of the prostitution of others are serious crimes and must be treated as such. More severe penalties should be imposed on procurors, intermediaries and accomplices.

22. Effective legislation and enforcement measures must also be directed against middlemen, agents, dealers, brothel-owners and others, who encourage and make a profit from traffic in persons and sexual exploitation of women and children. The proceeds from such activities must be confiscated, those responsible prosecuted and measures taken to prevent the laundering of the money thus obtained.

Rehabilitation and reintegration

23. Programmes for rehabilitation and reintegration with an interdisciplinary approach should be established to assist women and children who have been victims of trafficking and sexual exploitation, and their families. Agencies implementing such programmes, whether public or non-governmental, should be given the necessary support and funding.

24. These programmes should aim at eliminating discrimination that ostracizes prostitutes and makes their reabsorption into society more difficult, and facilitating vocational training and the social reintegration of persons saved from prostitution.

International coordination

25. Bilateral and multilateral cooperation among law enforcement agencies is essential. States should establish their own data bases, improve their reporting at all levels, and report to INTERPOL to allow the establishment of a special data bank on suspects involved in cases of abuses across borders. The experience gained in international police cooperation in combating drug trafficking should be made use of to prevent international trafficking in persons and sexual exploitation of women and men.

B. Traffic in persons

26. States should be encouraged to adopt effective legal and administrative measures against the traffic in persons, whatever form it might take. There is also a need to strengthen existing laws or to adopt new laws to punish traffickers and all those who knowingly participate in the traffic in persons, and particularly the traffic in children with a view to organ transplantation.

27. Measures should be taken to ensure that the traffic in persons, particularly women and children, is not effected by means of bogus marriages, clandestine employment and immigration, domestic labour or false adoptions.

28. States should urgently adopt effective measures at the national level and through international cooperation to recover persons who have fallen victim to the traffic in persons, in order to protect them and facilitate their return to their own countries and their reintegration into society.

29. The competent United Nations bodies, including the Office of the High Commissioner for Refugees, should pay due attention, in their fields of activity, to protecting persons who are victims of the traffic in persons and the exploitation of others.

C. Exploitation of the prostitution of others

30. Legislative and other measures should be taken to prevent sex tourism and penalize those who organize it. Such measures should be adopted and implemented in both the countries from which the customers come (most often industrialized countries) and the countries to which they go (often developing countries). Using the enticement of sex with women and children to market tourism should be penalized on the same level as procurement.

31. The World Tourist Organization should be invited to convene, as a matter of priority, a meeting on ways in which to prevent such practices.

32. States having military bases or troops on foreign territory, as well as host States, should take all the necessary measures to prevent their military personnel from becoming involved in the exploitation of prostitution and, in particular, child prostitution. The same applies to other public servants posted abroad for professional reasons.

33. Legislation should be adopted to prevent new forms of technology from being used for promoting and encouraging prostitution.

34. States which have not yet done so are urged to enact legislation making it a crime to produce and distribute pornographic material involving women and children.

35. States should prohibit the insertion or transmission in letter-post items or parcels of obscene, immoral or pornographic articles involving children. Customs services should be authorized to detect and prevent the transmission of such articles and material.

36. States should be encouraged to protect persons, in particular children, from exposure to pornography through suitable legislation and appropriate measures of control.

D. Regulation and international action

37. The States parties to the 1949 Convention for the Supression of the Traffic in Persons and of the Exploitation of the Prostitution of Others should take all necessary steps to ensure its implementation. They should be encouraged to transmit reports on the implementation of the Convention regularly to the Secretary-General. States which are not yet party to the 1949 Convention should examine the possibility of acceding to it.

38. All States should take the necessary steps to implement the standards and principles that prohibit and punish the traffic in persons and the exploitation of the prostitution of others.

39. The competent United Nations bodies should examine the problems involved in the application of the standards and principles relating to the traffic in persons and the exploitation of the prostitution of others. To that end, a seminar should be organized by the Centre for Human Rights, with the participation of experts from various parts of the world, intergovernmental organizations (WHO, UNESCO, INTERPOL, ILO, UPU and ITU) and non-governmental organizations, as well as United Nations bodies such as UNICEF and the Vienna Centre for Social Development and Humanitarian Affairs, the Division For the Advancement of Women and the Crime Prevention and Criminal Justice Branch.

40. The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, as well as other bodies established under human rights treaties, should be invited, when they examine reports submitted by States parties, to pay all due attention to the elimination and suppression of the traffic in persons and the exploitation of the prostitution of others.

41. The Centre for Human Rights should be designated by the Secretary-General as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery.

42. Non-governmental organizations have a most valuable contribution to make to these efforts. They could work together, organize national and international campaigns and meetings and play a more active part in the work of all United Nations bodies examining issues related to the traffic in persons and the exploitation of others.

B. Draft resolution II

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of its Working Group on Contemporary Forms of Slavery on the work of its sixteenth session,

Deeply concerned at the information relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the slavery-like practices of apartheid and colonialism and the phenomenon of child soldiers,

1. Expresses its appreciation to its Working Group on Contemporary Forms of Slavery for its valuable work, in particular the progress made at its sixteenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

A. Sale of children, child prostitution and child pornography

2. Welcomes the preliminary report prepared by Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on questions relating to the sale of children, child prostitution and child pornography, and requests

the Special Rapporteur, within the framework of his mandate, to pay increased attention to the aspects relating to trafficking in children, especially with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts;

3. Takes note of the information supplied to the Working Group on these problems and decides to transmit this information to the Special Rapporteur, including the recommendations concerning his mandate;

4. Invites once again the Special Rapporteur to consider ways and means of cooperating with the Working Group;

5. Recommends that the Commission on Human Rights should extend the mandate of the Special Rapporteur beyond 1991;

B. Exploitation of child labour and debt bondage

6. Welcomes with satisfaction the entry into force of the Convention on the Rights of the Child and the establishment of the Committee on the Rights of the Child;

7. Reiterates its request to the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's report on the exploitation of child labour and extend that study to the problem of debt bondage;

8. Requests the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the elimination of the exploitation of child labour pursuant to Commission on Human Rights resolution 1991/55;

C. Child soldiers

9. Expresses its deep concern that in many parts of the world children continue to take part in hostilities and are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

10. Recognizes that children who have been trained to hate and have participated in armed conflicts are often mentally and morally crippled for life;

11. Deplores the fact that many child soldiers have been killed or seriously injured and that others languish as prisoners of war;

12. Believes that measures should be taken to stop the recruitment of children into armed forces;

13. Requests the Secretary-General to update his report on the recruitment of children into government and non-governmental armed forces (E/CN.4/Sub.2/1990/43 and Add.1 and 2) on the basis of information provided by

Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations concerned and to submit it to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session;

Miscellaneous

14. Requests the Working Group to study the possibility of preparing guiding principles for combating the various contemporary forms of slavery and to endeavour to identify the spheres in which such guiding principles could be applied;

15. Requests the Secretary-General to seek the views and suggestions of member States, governmental organizations and non-governmental organizations on this subject with a view to the consideration of their replies by the Working Group at its future sessions;

16. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

17. Recommends also that the ILO supervisory bodies and the UNESCO Committee on Conventions and Recommendations give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

18. Requests the Secretary-General to transmit to the above-mentioned committees the recommendations of relevance to them and the report of the Working Group;

19. Requests the Secretary-General to send a representative of the Centre for Human Rights to assist in the seminar on trafficking in persons and prostitution of the Council of Europe to be held in Strasbourg from 24 to 27 September 1991 and to report on the results of this seminar to the seventeenth session of the Working Group;

20. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside of the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance, facilitate the attendance at the Working Group's sessions of the

largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined and to report on the measures taken for this purpose to the Commission on Human Rights at it forty-eighth session and to the Working Group on Contemporary Forms of Slavery at its seventeenth session;

21. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its forty-eighth session and to the Working Group on Contemporary Forms of Slavery at its seventeenth session;

22. Requests the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the months of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and in view of the impossibility for representatives of Governments and non-governmental organizations to attend simultaneous sessions, as well as the burden this places on the Centre for Human Rights.

C. Draft resolution III

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of its Working Group on Contemporary Forms of Slavery on the work of its sixteenth session,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination on grounds of sex and proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Bearing in mind that States parties to the International Covenants on Human Rights have the obligation to secure the equal rights of men and women to enjoy all civil, political, economic, social and cultural rights,

Stressing that the Convention on the Elimination of All Forms of Discrimination against Women was adopted to eliminate discrimination against women in all its forms and manifestations,

Concerned, however, that over 20 of the 107 States Parties have filed more than 80 substantive reservations with respect to their obligations to implement the Convention,

Concerned also that certain reservations to the Convention, in particular, those in relation to the adoption of policies and institutional measures to implement the terms of the Convention (art. 2), political and

public life (art. 7), discrimination in the field of employment (art. 11), equality of men and women before the law (art. 15) and marriage and family relations (art. 16) might diminish the international legal norm and legitimize its violation,

Aware that these reservations might not be compatible with the object and purpose of the Convention,

Bearing in mind that the frustration of the objectives of the Convention, because of such reservations, is contributing to the phenomenon of the exploitation of women,

Noting resolution 35/3 adopted by the Commission on the Status of Women at its thirty-fifth session held from 27 February to 8 March 1991, in particular the invitation to the international community contained therein to mark the tenth anniversary of the coming into force of the Convention by making every effort to facilitate the implementation of the Convention at the national, regional and interregional levels,

Affirming the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prevent discrimination, to discourage State practices that legitimate discrimination, and to reinforce the international legal norm of non-discrimination,

Recommends to the Commission on Human Rights that it transmit a proposal to the Economic and Social Council that it request the International Court of Justice to give an advisory opinion on the validity and the legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

D. Draft decision I

The Sub-Commission takes note of the draft programme of action for the prevention of the sale of children, child prostitution and child pornography, which has been reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolution 1991/54, and decides to transmit the attached draft programme of action to the Commission on Human Rights.

Draft programme of action for the prevention of the sale of children, child prostitution and child pornography

General

1. Child victims of trafficking and sale, child prostitution and child pornography are children in especially difficult circumstances as indicated in the World Declaration on the Survival, Protection and Development of Children, adopted by the World Summit for Children (New York, 3 September 1990).

2. The trafficking in and sale of children, child prostitution and child pornography constitute modern forms of slavery which are incompatible with human rights, human dignity and values and jeopardize the welfare of individuals, families and society as a whole.

3. To prevent the trafficking in and sale of children, child prostitution and child pornography, concerted measures are called for at the national, regional and international levels, including information, education, assistance and rehabilitation, legislative measures and a strengthening of law enforcement in this field. Coordinating agencies should be appointed or established at the national, regional and global levels.

4. At the global level, coordination of the programme of action should be carried out by the Centre for Human Rights in cooperation with other sections of the United Nations Secretariat, the United Nations Centre for Social Development and Humanitarian Affairs, UNDP, UNHCR, UNICEF, ILO, UNESCO and WHO. Cooperation should also be established with regional bodies, the World Tourism Organization, the International Criminal Police Organization (INTERPOL) and non-governmental organizations.

5. Economic conditions will continue to have considerable influence over the destiny of children, particularly in the developing countries. For the future of all children, it is absolutely essential to ensure or revive sustained and sustainable economic growth and development in all countries.

6. The best interests of the child should govern every decision and guide all efforts undertaken to implement this programme of action.

7. The measures contained within this programme of action should be implemented bearing in mind the economic imbalance which exists between industrialized States and the developing nations and the need to support the efforts of developing countries in this regard.

8. States are required to accord a clear high level of commitment and priority to combat and eliminate the trafficking in, sale and sexual exploitation of children.

9. States should systematically discourage the exercise of all customs, traditions and practices which encourage the trafficking in and sale or sexual exploitation of children.

10. The sale of children, child prostitution and child pornography cannot be justified by reason of poverty or underdevelopment. Besides the long-term action required to treat the underlying causes and thus prevent these phenomena from occurring in the future, it is essential that States take urgent and immediate measures to reduce the dangers that children face.

11. In situations of emergency, national or international conflicts, or disasters, when communities and normal patterns of life break down, children are especially vulnerable. In such circumstances, States should take all necessary measures to protect children from trafficking, sale and sexual exploitation.

Information

12. International, regional and national information campaigns are required to raise public awareness at all levels of the grave problems of trafficking in, and sale of children, child prostitution and child pornography by:

(a) Warning and informing people about these grave abuses;

(b) Informing them about prevention programmes;

(c) Publicizing ways of reporting these abuses;

(d) Publicizing services for victims;

(e) Making known the penalties for the perpetrators;

(f) Teaching that culture and traditions which encourage these forms of child abuse are contrary to international norms for the protection of children.

13. In order to increase the availability and to improve the quality of information, investigation of abuses should be undertaken by public and private institutions. The results should, wherever possible, be made public and exchanged between governmental and non-governmental organizations at the local, national and international levels. Due regard shall be paid to the need for confidentiality with regard to the identity of the victims.

14. It is imperative that information programmes be carried out on a continuous basis. Nevertheless, to provide a focus for the campaigns, States should consider the possibility of proclaiming a world day for the abolition of contemporary forms of slavery. The anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December, might be an appropriate date. Alternatively, an international children's day already established in a State's calendar might be used for this purpose.

15. The media should contribute fully to these information efforts with a view to ending the silence surrounding these forms of child exploitation.

16. Non-governmental organizations and associations should be encouraged to lend their full support to these efforts.

17. Law enforcement agencies should be given a significant role in these information campaigns.

Education

18. The following educational goals are central to this programme of action:

(a) Universal primary education for all, with special emphasis on girls;

(b) Accelerated literacy programmes for women and girls;

(c) Vocation-oriented formal and/or non-formal education curricula.

19. Preventive educational programmes could usefully be integrated into primary and secondary school curricula. Similar programmes should be designed for out-of-school children and particularly vulnerable groups, for example, street children, adolescent mothers and single and abandoned mothers.

20. Specific educational measures and training should be directed towards professionals who work with children, including teachers, social workers, health workers, members of the police, members of the judiciary and religious personnel. Special educational measures should be directed towards the general public, especially men and parents, and to particular groups, such as travel agencies, tourists and the military.

21. All educational efforts should be based on universal ethical principles including the recognition of the integrity of the family and of every child's fundamental rights to the integrity of his or her own body and the protection of his or her identity. Such educational programmes should include:

(a) The rights of the child and the respect due to all children by all;

(b) The inculcation of values such as self-esteem;

(c) The transmission of universal ethical principles;

(d) Making the child understand the dangers of trafficking and sale, child prostitution and pornography, including health risks such as AIDS, and of drug and alcohol consumption and their damaging effects;

(e) Ways to prevent, identify and expose such abuses and to help child victims;

(f) Education in fatherhood and motherhood, including the need to create a family atmosphere of trust and communication within which a child can expose these issues;

(g) The principle of equality between men and women.

22. Innovative methods, including the use of the mass media, and grass-root community-based methods reaching the widest possible public, including potential victims, should be encouraged.

23. In all educational measures, care should be taken to avoid both underplaying and sensationalizing these issues. Account should be taken of the sociocultural characteristics and economic conditions of each country and, where children are involved, of the age of the child.

Legal measures and law enforcement

24. Preventive legislation aimed at protecting children should be promulgated, strengthened and better enforced. Police, courts and treatment and support systems should focus on the welfare and protection of children. Legal aid should be made available to those who claim to have been sexually

violated and to parents or legal guardians in cases of trafficking in and sale of children. Methods should be developed to obtain evidence from the child without further traumatization, and witnesses should be afforded protection.

25. Trafficking in, sale or sexual exploitation of children are serious crimes and must be treated as such. Efforts should be made to detect, arrest and convict clients, consumers, procurers, intermediaries and accomplices, and provision made for sanctions which take into account the grave nature of these offences.

26. Effective legislative and enforcement measures must also be directed against the intermediaries and others who encourage and make profits from the trafficking in, sale and sexual exploitation of children, such as agents, dealers, brothel-owners and policemen, and others involved. The proceeds from such activities shall be seized and confiscated.

27. The Convention on the Rights of the Child provides protection against trafficking in, sale and sexual exploitation of children. States are encouraged to become parties to the Convention at the earliest possible date. For its implementation within States, national institutions composed of representatives of public agencies, non-governmental organizations and associations should be established to coordinate action and to protect children and their rights.

28. States are urged to become parties to the ILO conventions pertaining to the employment of children, in particular Convention No. 138 on minimum age, and effectively to enforce laws which prohibit the employment of children in work likely to endanger their morals and physical health.

29. States are urged to ratify and effectively implement the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) and, furthermore, to submit reports regularly to the Secretary-General of the United Nations on their implementation.

30. States are urged to take all necessary measures to ensure that persons involved in trafficking in, or sale or sexual exploitation of children are punished or extradited to other countries.

31. States should keep under review all new forms of technology which could be used for trafficking in, or sale or sexual exploitation of children, and adopt appropriate legislation.

Social measures and development assistance

32. These abuses are often linked with poverty. Their prevention and elimination requires long-range structural reforms in the social and economic fields. In the short term, development activities of United Nations agencies, especially the World Bank and the International Monetary Fund, and of other international and national agencies should have a substantive and positive impact on children and promote appropriate development strategies and policies. Priority should be given to formulating a family policy to prevent

abuse and to policies aimed at improving the social, economic and working conditions of girls and women in general, and of the poorest girls and women in particular. Local community-based projects, including collective self-help projects should also be encouraged.

33. The needs of children who have been victims of trafficking, sale or sexual exploitation should be taken into account in development plans and assistance. Special attention should be given to certain groups of children at risk, for example, street children, teenage single mothers, children of broken homes or those whose mothers are in prostitution and other children in especially difficult circumstances. Governments, specialized agencies, United Nations bodies and non-governmental organizations should be encouraged to initiate projects designed to protect street children from sexual abuse (mobile units to offer social and medical aid, small-scale enterprise projects for children, "safe houses", emergency centres, etc.) Efforts should be made to reunite street children in cities with their families in rural areas and in general to improve the social, economic and working conditions of parents whose children are victims of sexual exploitation or are at high risk.

Rehabilitation and reintegration

34. Rehabilitation and reintegration programmes using an interdisciplinary approach should be established to assist children who have been victims of trafficking, sale or sexual exploitation, and their families. Agencies implementing such programmes, whether public or non-governmental, should be established, or strengthened by being provided with the necessary support and funding. They should be encouraged to request technical assistance, evaluational assistance, information on new methods of self-funding schemes, etc., from United Nations bodies and from public or private, national or international sources with relevant competence.

International coordination

35. Bilateral and multilateral cooperation among law enforcement agencies is essential. States should establish their own data bases, improve their reporting at all levels, exchange information and report to INTERPOL to enable a special data bank on suspects involved in cross-border trafficking, sale or sexual exploitation of children to be set up. The experience gained in international police cooperation in combating drug traffic should be used to prevent international traffic in and sexual exploitation of children.

36. A special intergovernmental task force should be set up at the regional level to assist Governments in devising ways and means of checking the phenomena of the trafficking in, sale and sexual exploitation of children; national level commissions should plan new measures to address these problems in cooperation with concerned non-governmental organizations.

Trafficking in and sale of children

37. The following measures specific to the trafficking in and sale of children are required:

38. States should take effective legal and administrative measures to prevent the abduction and sale of children for whatever purpose (sexual exploitation, any form of labour, adoption, criminal activities, trafficking in organs, etc.). Laws should be adopted or strengthened which impose penalties on parents and on all others knowingly involved in the trafficking in and sale of children.

39. States should pay special attention to preventing and severely punishing any case of sale, abduction or traffic of children for transplantation of organs, particularly from developing to developed countries. They should cooperate with each other and with intergovernmental and non-governmental organizations to these ends.

40. States should adopt urgent and effective procedures at the national level and through bilateral and international cooperation to find abducted, unlawfully removed or disappeared children and to trace families and reunite such children with their families. In this regard, special attention should be given to the situation of refugee children and their need for protection from trafficking, sale and sexual exploitation.

41. Measures should be taken to ensure that international adoptions do not involve the sale of children by their parents or their illicit removal. Procedures for this purpose should be based on the 1986 United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption Nationally and Internationally, and the Convention on the Rights of the Child. Under no circumstances must adoption be allowed to involve financial gain for any of the parties involved. The commercialization of adoption procedures should be prohibited.

42. Intercountry adoptions, where permitted by national law, should only take place through competent, professional and authorized agencies in both the country of origin and the receiving country of the children.

43. The procedures for child birth registration, renunciation of parental rights and consent to adoption by a parent should be strictly regulated by law and adequate counselling offered to the biological parents.

44. Governmental and non-governmental bodies should cooperate at the national and international levels in order to promote and develop local and national alternatives to intercountry adoptions, such as child care facilities, including day care and other support services for parents, care by relatives, foster family care and domestic adoptions. Special efforts should be made to ensure that parents are not incited to part with their children for socio-economic reasons.

Child prostitution

45. The following measures specific to child prostitution, independently of whether the clients are locals or foreigners should be taken:

46. Incest and sexual abuse within the family or by the child's employers may lead to child prostitution. States therefore should take all appropriate

legislative, administrative, social and educational measures to protect children against all forms of abuse while in the care of parents, family or legal guardians or any other person.

47. Special attention should be paid to the problem of sex tourism. Legislative and other measures should be taken to prevent and combat sex tourism, both in the countries from which the customer comes and the countries to which they go. Marketing tourism through the enticement of sex with children should be penalized on the same level as procurement.

48. The World Tourism Organization should be encouraged to convene an expert meeting designed to offer practical measures to combat sex tourism.

49. States with military bases or troops, stationed on foreign territory or not, should take all the necessary measures to prevent such military personnel from being involved in child prostitution. The same applies to other categories of public servants who for professional reasons are posted abroad.

50. Legislation should be adopted to prevent new forms of technology from being used for soliciting for child prostitution.

Child pornography

51. The following measures specific to child pornography are required:

52. Law enforcement agencies, and social and other services should place a higher priority on the investigation of child pornography in order to prevent and eliminate any exploitation of children.

53. States that have not yet done so are urged to enact legislation making it a crime to produce, distribute or possess pornographic material involving children.

54. Where required, new legislation and penalties should be introduced for the mass media which broadcast or publish material threatening the psychic or moral integrity of children or containing unhealthy or pornographic descriptions and to prevent new technology being used to produce pornography, including video films and pornographic computer games.

55. States should be encouraged to protect children from exposure to adult pornography, especially through new forms of technology, by adopting suitable legislation and appropriate measures of control.

56. States should encourage the mass media and the journalistic profession to adopt codes of practice governing the publication of material, including advertising, with pornographic overtones, and should remind them of their responsibility in influencing public attitudes.

Follow-up

57. States are invited to consider this programme of action in relation to the implementation of the Plan of Action for implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s and to the implementation of the Convention on the Rights of the Child.

58. States are further invited to inform the Sub-Commission periodically on measures taken to implement the programme of action, whether or not they are States parties to the Convention on the Rights of the Child.

59. United Nations bodies, specialized agencies and non-governmental organizations are invited to examine the application of the above programme of action as appropriate to their mandates.

ANNEX II

Attendance

I. Members of the Working Group

Mr. I. Diaconu
Mrs. F. Z. Ksentini
Ms. C. Palley
Mr. W. Sadi
Mr. E. Suescún Monroy

II. States Members of the United Nations represented by observers

Colombia	Ms. Ligia Galvis
Brazil	Mr. Marcos Gama
Chile	Mr. Pedro Oyarce
El Salvador	Mr. Carlos Mendoza
Ethiopia	Mr. Kebret Negash
Finland	Mr. Satu Mattila
France	Ms. B. Le Fraper du Hellen
India	Mr. Prabhu Dayal
Japan	Mr. Masahino Tauchi
Netherlands	Ms. Elizabeth Teekamp
Senegal	Mr. Alioune Sene Mr. Moussa Bocar Ly
Sweden	Mr. Erik Wennerström
Turkey	Mr. H. Ilicak
United Kingdom of Great Britain and Northern Ireland	Mr. D.I. Campbell
Venezuela	Ms. Nancy Meza

III. United Nations organs

United Nations Children's Fund	Ms. Marie-Pierre Poirier Mr. Clarence Shubert

IV. Specialized agencies

International Labour Organisation	Mr. M.R. Kern Mrs. J. Ancel-Lenners
United Nations Educational, Scientific and Cultural Organization	Ms. Wassyla Tamzali
World Health Organization	Ms. F. Simon

V. Intergovernmental organizations

League of Arab States	Mr. Osman El Hajjé

VI. Non-governmental organizations in consultative status

Category I

International Alliance of Women	Ms. Irmgard Rimondini
International Council of Voluntary Agencies	Ms. Janette McMahan
International Council of Women	Mrs. Beryl Webster
Zonta International	Ms. Danielle Bridel

Category II

Anti-Slavery International	Ms. Lesley Roberts Mr. Ehsanullah Khan Mr. Kailash Satyarthi
Caritas Internationalis	Ms. Mary Tom
Coalition against Trafficking in Women	Ms. Kathleen Barry Ms. Barbara Good Ms. Susan Edwards Ms. Dorchen Leidholdt Mr. Herve Pensec Ms. Denise Gamache Ms. Evelina Giobbe
Defence for Children International	Mr. Trevor Davies Mr. Michèle Vignard Mr. Nigel Cantwell Mr. Ricardo Dominicé Ms. M-F Lücker-Babel Mr. Daniel O'Donnell Ms. Gordana Ralev

Friends World Committee for Consultation	Mr. Martin MacPherson Ms. Claire Conway
International Abolitionist Federation	Mrs. Anima Basak Ms. Lucienne Droz Mrs. Myriam Schreiber Mrs. Ilka Bailey-Wiebecke Mr. J-P. Barruel de Lagenest Mr. José Dillenseger Mrs. Roberte Falquet Mr. F-M Algoud Mr. Charles Willemart Ms. Raymonde Pledran Ms. Danièle Poitou Mrs. A. M. Joyce Ansell Ms. Colette Villey Ms. Denise Pouillon Ms. Rokhaya Diop Mr. Walter Meng
International Association of Democratic Lawyers	Ms. Renée Bridel Mr. Bernard Boeton
International Catholic Child Bureau	Ms. Florence Bruce
International Commission of Jurists	Ms. Dilbur Parakh Ms. Sabina Kelaart
International Federation Terre des Hommes	Mr. E. Kadjar-Hamouda Ms. Jyoti Sanghera
International Federation of Women Lawyers	Ms. Helène Pfander
International Save the Children Alliance	Mr. Shepard Harder
Women's International League for Peace and Freedom	Ms. Hannah Wu

VII. Other organizations

Centre of Concern for Child Labour	Mr. Joseph Gathia

ANNEX III

Documentation

1. The Working Group had before it the following documents:

E/CN.4/Sub.2/AC.2/1991/1	Provisional agenda
E/CN.4/Sub.2/AC.2/1991/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/1991/2	Status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
E/CN.4/Sub.2/AC.2/1991/3	Status of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
E/CN.4/Sub.2/AC.2/1991/4 and Add.1	Information received from States concerning the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
E/CN.4/Sub.2/AC.2/1991/5 and Add.1, 2 and 3	Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations
E/CN.4/Sub.2/AC.2/1991/6 and Add.1, 2 and 3	Information received from non-governmental organizations
E/CN.4/Sub.2/AC.2/1991/7	Information submitted by the International Criminal Police Organization (INTERPOL)

2. As reference documents, the Working Group referred to the following documents:

E/CN.4/Sub.2/479/Rev.1	Final report submitted by Abdelwahab Bouhdiba, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the exploitation of child labour

E/1983/7	Report of Mr. Jean Laurent, Special Rapporteur on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others
E/CN.4/Sub.2/1990/44	Report of the Working Group on Contemporary Forms of Slavery at its fifteenth session
E/1991/18	Report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others
E/CN.4/1991/50 and Add.1	An analytical summary of comments received by the Secretary-General on the draft programme of action for prevention of the sale of children, child prostitution and child pornography
E/CN.4/1991/51	Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with resolution 1990/68 of the Commission on Human Rights
E/CN.4/1991/59	Note by the Secretary-General on the Status of the Convention on the Rights of the Child
ST/HR/SER.A/18	Report of the seminar on ways and means of achieving the elimination of the exploitation of child labour in all parts of the world
E/CN.4/Sub.2/1989/37	Study on ways and means for establishing an effective mechanism for the implementation of the slavery conventions, prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/35
E/CN.4/Sub.2/1990/43 and Add.1	Report of the Secretary-General prepared pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/41